

[PLEASE SEE SIGNATURE PAGE FOR ATTORNEY NAMES]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware
corporation, and DENDRON GmbH, a German
corporation,

Defendant,

MICRO THERAPEUTICS, INC., a Delaware
corporation, and DENDRON GmbH, a German
corporation,

Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,
a Delaware corporation, and TARGET
THERAPEUTICS, INC. a Delaware corporation,

Third Party Defendants.

Case No. C 03 05669 JW (RS)

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING LEAVE TO FILE
SUPPLEMENTAL AND AMENDED
PLEADINGS**

**[CIVIL L.R. 6-2, 7-12; PATENT L.R.
3-7]**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Counterdefendant
The Regents of the University of California (“The Regents”) and Defendants, Counter-Claimants,
and Third Party Plaintiffs Micro Therapeutics, Inc. and Dendron GmbH (collectively “MTI”),
through their respective counsel of record for all purposes in the above-captioned action including

trial, as follows:

The Regents and MTI hereby stipulate that The Regents and MTi may file and serve the following supplemental or amended pleadings:

1. Plaintiff's Second Supplemental Complaint (a copy of which is attached as Exhibit A to the accompanying declaration of Patrick Premo filed herewith ("Premo Decl.");
2. Plaintiff's Second Supplemental Disclosure of Asserted Claims and Preliminary Infringement Contentions;
3. Answer and Affirmative Defenses to Second Supplemental Complaint for Patent Infringement; and Second Amended Counterclaims of Micro Therapeutics, Inc. and Dendron GmbH ("Second Amended Counterclaim") (a copy of which is attached as Exhibit B to the Declaration of Patrick Premo; and
4. Defendants' Amended Preliminary Invalidity Contentions.

The reason for the request is to join all claims between The Regents and MTI in a single action to avoid the risk of a multiplicity of suits by either party. Premo Decl. ¶ 5. The parties further stipulate and agree to a short, thirty-day extension of time on the fact discovery deadline. *Id.* at ¶ 3. The new fact discovery deadline will be extended from December 15, 2006 to **January 16, 2007** for all claims set forth in The Regents' complaint and supplemental complaints and MTI's amended counterclaims. The only exception to this deadline relates to requests for admissions for authentication of documents. The parties have agreed that the last day to respond to requests for authentication of documents shall be April 23, 2007, which is closer to the pretrial conference. *Id.*

The parties have made no previous request to change the fact discovery deadline. *Id.* at ¶ 6. No other deadlines will be affected by this request. *Id.* The parties are not asking to disturb the trial date set for June 6, 2007. *Id.* at 2. Third Party Defendants Boston Scientific and Target Therapeutics, Inc. (collectively "Boston Scientific") do not join in this Stipulation and opposes any efforts by MTI to amend its Third Party Complaint against Boston Scientific. *Id.* at ¶ 4.

This stipulation shall not constitute a waiver by the parties of any legal challenge to the supplemental or amended pleadings, and the parties expressly reserve all defenses and immunities they may have to the claims asserted in the supplemental or amended pleadings. The Second

Supplemental Complaint and Second Amended Counterclaim shall be deemed served as of the day the Court enters the following order. The Regents shall have twenty (20) days to respond to the Second Amended Counterclaim.

IT IS SO STIPULATED.

ATTESTATION

Concurrence in the filing of this document has been obtained from the other signatories.

DATED: November 15, 2006

By: /s/ Patrick E. Premo

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DATED: November 15, 2006

By: /s/ Michelle Umberger

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 16th, 2006


The Honorable James Ware
United States District Judge

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